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## *Senate*

### **Our Constitution**

Mr. President, I rise to talk about the importance of our Constitution. In Delaware, we are reminded of that every year, at least once a year, on December 7, because that is Delaware Day. In Delaware, we celebrate on December 7, the day in 1787 when Delaware became the first State to ratify the Constitution. For one whole week, Delaware was the entire United States of America. After a week or so, we opened it up and let other States in, including South Carolina. For the most part, we have been pleased with the way things turned out.

This year, Constitution Day is going to be commemorated not just in Delaware on December 7 but across the country on September 17. That will be Saturday. That is actually the day the Constitution was apparently signed back in 1787, up in Philadelphia.

If you visit the Senate today and all this week and you come into one of the galleries, if you walk in, they will give you a copy of the Constitution. Today I was bringing in some visitors, from Dover, DE, and I was given a copy of the Constitution with the amendments

thereto. I was reminded that this commemoration of our Constitution for this Saturday was made possible by one of our colleagues in the Senate, Robert Byrd who carries with him every day a copy of the Constitution a little bit smaller than this one. You have probably seen it, Mr. President. He pulls it out every now and then and waves it in our faces to remind us what it is all about. It is because of his love, really devotion, to the Constitution that we will be having a special commemoration on Saturday. I thank Senator *Byrd* for doing that.

I am a Delawarean who treasures what our Constitution does. It is the basic law of our land, the law on which all the other laws are built. The Constitution which is becoming the longest lived Constitution in the history of the world and the Constitution most replicated by every nation on Earth is the one we celebrate this Saturday.

I wish to take a couple of moments to share and remind us again how the Constitution is introduced. It starts off--many of us know these words. In fact, many of us as schoolchildren, and our

children as well, had to learn the preamble to the Constitution, which reads as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

“We the people,” those three words encapsulate the very essence of what makes America so wonderful. By presenting a united front, our Founding Fathers told the world that they stood together when creating this great country. I believe we need to recapture their spirit of reconciliation and to focus our energies on healing the rift that has developed in our current political climate, a rift that goes back to the beginning of this administration, the previous administration, and, frankly, for some time before that.

We have seen how powerful America can be when all of our citizens unite to focus on a common goal. During this upcoming weekend, Saturday, September 17, I urge all Americans--not just my children who are in high school; not just other schoolchildren, but I urge all Americans from all walks of life to pause and contemplate principles that form the cornerstone of this great democracy of ours. By understanding our past, I believe we can navigate toward a better future and truly honor the philosophy and spirit of our Founding Fathers.

The first 10 amendments to the Constitution are called the Bill of Rights. They lay out some of the liberties that we take for granted, but people in other places around the world would love to have these liberties. They do not and maybe they never will. I hope they will.

But our Constitution has, among other liberties, the freedom to bear arms. It has the right to say what is on our mind. In fact, there are newspapers, television stations, our radio stations--all of us enjoy freedom of speech. People can vote for whomever they want. If they like the job we are doing, they can reelect us; if they don't, they can throw us out and put somebody else in these seats. They can run for the job themselves.

They have a right to a jury by their peers. They have a right to be protected from unlawful searches without an order of a judge. There are all kinds of protections in our Constitution.

There is one given a little attention here lately, given a decision by a district court judge out in California. The question it raises is in the press of late, in the last 24 or 48 hours--again, I might add--the question of whether or not the Pledge of Allegiance to our flag, where we say “one nation under God,” is indeed constitutional.

I would have us go back to the beginning of our Nation's history, when we were born as a nation. I would have us remember, when the first President, George Washington, was sworn into office and they finished the ceremony--I think it was in New York City--they didn't break up and go off to a bunch of

inaugural balls. As I recall, they went to church.

Several years before that when they were up in Philadelphia and were trying to hammer out the Constitution itself, whenever they got into an especially difficult place, they would sometimes call a halt to what they were doing and pray about it. They actually began a lot of their sessions with prayers, much as we begin our session in the Senate and over at the House of Representatives.

The folks who gathered up in Philadelphia all those years ago did not want to have a State religion. They didn't want to have a "Church of America." They didn't want to have our version of the Church of England. They wrote that in the Constitution, literally in the first amendment. This is the way the first amendment starts:

Congress shall make no law respecting an establishment of religion.

If we go over the copy of the Constitution that we shared with the folks coming into the Senate today as visitors, we read the language alongside the raw language of the amendment and it says these words:

The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect.

I am not a lawyer, certainly not a constitutional lawyer. But I think I can read. When I read literally the words of the Constitution, I believe what our Founding Fathers were trying to do is to make sure we don't establish in this country a church that somehow is sanctioned by the Government. They just

didn't want to go there. Seeing what happened in some other countries, they didn't want to have any part of that.

Having said that, our Founding Fathers were a religious people. They were people of faith, and they drew on their faith, frankly, in drawing up this document and trying to resolve their differences in reaching the core on this Constitution.

The Pledge of Allegiance, I don't believe, existed when those folks were working on the Constitution. In fact, the words "under God" were only added, I believe, in 1954, some 51 years ago. I would ask, given the reliance on faith and people calling on their faith in 1787 when drafting the Constitution, how would they feel about a Pledge of Allegiance that said, "one nation under God"? My guess is they would feel pretty good about it. Rather than saying that we ought to strike that language "under God," they would probably say we ought to keep that in, and I would have to agree with them.

We will hear more about this issue going forward, I am sure. Hopefully, when we do, we will think back not just about the Constitution and what the words actually say in the first amendment, but we will also think back to the way people comported themselves and how they drew on their faith in 1787 as they wrestled with drafting this document and coming to consensus on this document. I think they would want the words "one nation, under God" to be in the Pledge of Allegiance if we were to have one.

We have all said it hundreds, probably thousands, of times. I think we got it

right in 1954, and I think we ought to leave it that way.